



5-30-02

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dean L. Engelhardt et al.)
Serial No. 09/727,349) Group Art Unit:1655
Filed: November 30, 2000) Examiner: Arun Chakrabarti, Ph.D.
Title: NOVEL PROCESS, CONSTRUCT AND)
CONJUGATE FOR PRODUCING)
MULTIPLE NUCLEIC ACID COPIES)

COPY

527 Madison Avenue, 9th Floor
New York, New York 10022
May 28, 2002

FILED BY EXPRESS MAIL

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Box DAC

Attention: Office of Deputy Assistant Commissioner for Patents
2121 Crystal Drive, Crystal Park 2 - Suite 913
Arlington, Virginia 22202

RECEIVED
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OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED APPLICATION

Dear Sirs:

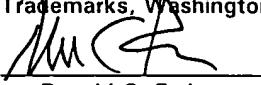
Applicants submit this Petition to the Commissioner under the provisions of 37 C.F.R. §1.137(b) to revive the above-identified application in which taking action was unintentionally delayed. A response to the previously issued February 28, 2001 Office Action was originally due on May 28, 2001. Upon the expected granting of this Petition, the accompanying response in the form of an Amendment Under 37 C.F.R. §1.115 will be considered as having been timely filed.

09/24/2002 AKELLEY 0000005 051135 09727349

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Enz-52(D1)

Dean L. Engelhardt et al.
Serial No. 09/727,349
Filed: November 30, 2000
Page 2 (Petition Under 37 C.F.R. §1.137(b) to Revive An Unintentionally
Abandoned Application – May 28, 2002)

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No. <u>EL839968790US</u>	
Deposit Date	<u>May 28, 2002</u>
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231.	
	<u>MAY 28 2002</u>
Ronald C. Fedus	Date
Reg. No. 32,567	

Dean L. Engelhardt et al.
Serial No. 09/727,349
Filed: November 30, 2000
Page 3 (Petition Under 37 C.F.R. §1.137(b) to Revive An Unintentionally
Abandoned Application – May 28, 2002)

The above-identified application became unintentionally abandoned after May 28, 2001, which was the date that a response to the February 28, 2001 Office Action was originally due. A Notice of Abandonment was subsequently issued on October 23, 2001, a copy of which is attached to this paper as Exhibit 1.

It is hereby requested that this application be revived because the entire delay in filing the response to the February 28, 2001 Office Action until the filing of this Petition was unintentional. A Terminal Disclaimer To Accompany Petition is attached to this paper as Exhibit 2.

As indicated above, a response to the February 28, 2001 Office Action in the form of an Amendment Under 37 C.F.R. §1.115 is being submitted concurrently herewith and is attached as Exhibit 3.

The fee for filing a Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b) is \$640.00 for a small entity. Small entity status was previously established in this application and is still applicable. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite large entity fee of \$640.00. The Patent and Trademark Office is further authorized hereby to charge Deposit Account No. 05-1135 for any other fees required in connection with this Petition, the attached Amendment (Exhibit 3), or Terminal Disclaimer (Exhibit 2).

A duplicate copy of this Petition but without attached Exhibits 1-3 is also submitted herewith.

Dean L. Engelhardt et al.
Serial No. 09/727,349
Filed: November 30, 2000
Page 4 (Petition Under 37 C.F.R. §1.137(b) to Revive An Unintentionally
Abandoned Application – May 28, 2002)

Favorable action on this Petition is earnestly solicited.

Respectfully submitted,



Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

ENZO DIAGNOSTICS, INC.
c/o Enzo Biochem, Inc.
527 Madison Avenue (9th Fl.)
New York, New York 10022
Telephone: (212) 583-0100
Fax: (212) 583-0150



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

CS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/727,349 11/30/00 ENGELHARDT

D ENZ-52 (D1)

028170
ENZO DIAGNOSTICS, INC.
C/O ENZO BIOCHEM INC.
527 MADISON AVENUE 9TH FLOOR
NEW YORK NY 10022

HM22/1023

EXAMINER

CHAKRABARTI, A

ART UNIT	PAPER NUMBER
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1655

DATE MAILED:

10/23/01

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RECEIVED
JUN 04 2002
OFFICE OF PETITIONS

Notice of Abandonment

Application No.
09/727,349

Applicant(s)

Engelhardt

Examiner

Arun Chakrabarti

Art Unit

1655



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on Feb 28, 2001.

(a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

(b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) No response has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.

(b) The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.

The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.

(c) The issue fee and publication fee, if applicable, has not been received.

3. Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

(b) The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.

(c) No proposed new formal drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:

JEFFREY FREDMAN
PRIMARY EXAMINER